

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CENTRAL MAINE POWER COMPANY,

Plaintiff,

v.

MAINE COMMISSION ON
GOVERNMENTAL ETHICS AND
ELECTION PRACTICES, et al.

Defendants

Case No. 1:23-cv-00450-NT

**STATE DEFENDANTS' CONSENTED-TO MOTION
FOR A SCHEDULING ORDER**

Defendants Maine Commission on Governmental Ethics and Election Practices, William J. Schneider, David R. Hastings III, Sarah E. LeClaire, Dennis Marble, and Stacey D. Neumann, and Aaron Frey ("State Defendants") move for entry of a scheduling order that would (1) vacate the current schedule for briefing on a temporary restraining order ("TRO"), (2) establish a briefing schedule on Plaintiff's motion for a preliminary injunction, in which State Defendants' opposition would be due **January 12, 2024**, and Plaintiff's reply would be due **January 31, 2024**, and (3) extend the State Defendants' deadline to respond to the complaint until 30 days following resolution of the motion for preliminary injunction. Plaintiff has consented to this motion.

In support of their motion, State Defendants state the following:

1. This action is one of four recently filed lawsuits challenging the constitutionality of the Maine law enacted by Question 2 on the November 2023 ballot (the "Act"). The four actions are *Central Maine Power Co. v. Maine Commission on Governmental Ethics and*

Election Practices, No. 1:23-cv-00450, *Maine Press Association v. Maine Commission on Governmental Ethics and Election Practices*, No. 1:23-cv-00452, *Pringle v. Frey*, No. 1:23-cv-00453, and *Versant Power v. Schneider*, No. 1:23-cv-00451. The plaintiffs in these four lawsuits seek a preliminary injunction and (except for one action) a TRO to prevent enforcement of the law during the pendency of this litigation.

2. The Act will become effective on January 5, 2024.

3. In order to rule on the various motions for TRO prior to the effective date of the law, the Court set a briefing schedule that would require State Defendants to file oppositions by December 22, 2023, and the various plaintiffs to file replies by December 27, 2023.

4. State Defendants are charged with enforcement of criminal and civil provisions of the Act. Given the numerous, varied, and in some cases novel legal questions raised by the plaintiffs' motions, State Defendants believe that additional time is necessary to adequately brief the legal issues presented and to ensure that the Court has adequate time to fully consider the parties' arguments and resolve the motions for preliminary relief. State Defendants have thus agreed that they will voluntarily refrain from enforcing the Act as to actions occurring during a brief period, running until **February 29, 2024**, to allow for full consideration of the issues raised by all parties.

5. The parties to all four actions agree that, under these circumstances, it is unnecessary for the Court to rule on preliminary relief by January 5, 2024.

6. The parties have also conferred, and agreed upon a proposed briefing schedule in which State Defendants would file a consolidated opposition to all four motions for preliminary relief by **January 12, 2024**, and plaintiffs would file their separate replies by **January 31, 2024**.

7. The parties further intend to seek to reach agreement on page limits for these filings in the coming weeks and will file either a joint motion or competing motions on the issue no later than **January 5, 2024**.

8. Finally, the plaintiffs in all four actions have consented to State Defendants' request that their deadline for responding to the four complaints be extended until 30 days following this Court's decision on the preliminary injunction motion. Good cause exists for the proposed extension due to the need for State Defendants' counsel to focus limited resources on the numerous legal and factual issues raised by the pending motions.

For the reasons stated above, State Defendants respectfully request that the Court enter a scheduling order (a) vacating the existing briefing schedule, (b) ordering State Defendants to file their opposition to the four motions for preliminary relief by January 12, 2024, and plaintiffs to file any replies by January 31, 2024, and (c) setting State Defendants' deadline to respond to the complaints for 30 days after issuance of a decision on the preliminary injunction motions.

Respectfully submitted,

Dated: December 15, 2023

/s/ Jonathan R. Bolton
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